

Applicant : Frederick A. Enko
Serial No. : 10/747,622
Filed : December 30, 2003
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Attorney's Docket No.: 06181-930001

REMARKS

Claims 2-13, 16-18, and 23-26 are pending, with claims 20 and 23 being independent, and claims 8-10, and 16 being withdrawn. Applicant has canceled claims 1 and 19-22 and has amended claims 2-4, 12, and 18 such that claims 2-7, 11-13, 17, and 18 now depend directly or indirectly from claim 23.

The undersigned thanks the Examiner for the interviews granted on August 24 and 25, 2005. During those interviews, the undersigned requested clarification from the Examiner regarding the merits of the constructive election by original presentation as it applies to claims 23-26, which were withdrawn from consideration in the Office Action of July 12, 2005. The undersigned also indicated that applicant was willing to cancel claim 1 and pursue claims 23-26, which include all of the limitations of originally-filed claim 1 and the additional feature of "one or more puzzle pieces."

After looking into these issues, the Examiner indicated that he would withdraw the restriction of claims 23-26 by original presentation under MPEP §821.03, thus enabling applicant to elect to pursue claims 23-26 and any additional dependent claims off of claims 23 that mirror originally-filed dependent claims off of claim 1.

During the interview, the Examiner also indicated that the closest prior art to claim 23 appears to be U.S. Patent No. 5,375,707 (Richer). The Examiner indicated that Richer does not anticipate claim 23 and that Richer could not be modified to obtain the features of claim 23 because in Richer, the tube 3 is used to store the carpet 1 when not in use. See Richer at Fig. 1. The Examiner indicated that claims 23-26 would therefore be in condition for allowance. Accordingly, entry of this amendment is believed proper under 37 CFR §1.116 and MPEP §714.12 because the foregoing amendment places the application in condition for allowance, and because the amendment includes the cancellation of a rejected claim (claim 1).

With respect to claims 8-10, and 16, these claims were previously withdrawn as being claims directed to nonelected species. It is believed that the application now contains an allowed generic claim, that is claim 23. Accordingly, it seems proper under MPEP § 821.02 for

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the Examiner to give applicant a time limit of one month to conform claims 8-10 and 16 to fully embrace the allowed generic claim 23. Applicant would be willing to conform claims 8-10 and 16 by Examiner's amendment.

It is believed that no fee is due in connection with this filing. Nevertheless, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: August 26, 2005

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